COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

Superior Court Department Civil Action No.

TOWN OF ACTON, and
JANET K. ADACHI, MIKE GOWING,
KATIE GREEN, DAVID CLOUGH AND
JOHN SONNER AS THEY ARE THE
MEMBERS OF THE
BOARD OF SELECTMEN OF THE
TOWN OF ACTON,
Plaintiffs,
v.

W.R. GRACE & CO. — CONN.
Defendant.

PLAINTIFFS' EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER AND SHORT ORDER OF NOTICE

Pursuant to Mass. R. Civ. P 65(a) and Superior Court Rule 9A(e)(1), the Plaintiff Town of Acton (the "Town") moves *ex parte* for a Temporary Restraining Order to preserve the *status quo* by restraining and enjoining the Defendant W.R. Grace & Co.-Conn. ("Grace") and those acting in concert with it from prematurely shutting down the Northeast Area Remedial Action groundwater pumping and treatment system (hereafter the "Treatment System") installed and operated by Grace to remediate a plume of groundwater contamination from Grace's property (the "Site"), because Grace's proposed shutdown of the Treatment System violates the Town's Groundwater Cleanup Standards Bylaw (the "Bylaw); will cause irreparable harm to the Town, the public, and the environment; and will endanger for an extended period of time a public drinking water supply aquifer within the Town which has been contaminated but not fully remediated by Grace as required by the Bylaw. In support of this Motion, the Town relies on the Verified Complaint and Exhibits submitted herewith.

The Town further requests that the Court issue a short order of notice to Grace to show cause why the Court should not issue a preliminary injunction enjoining Grace and those acting in concert with it from shutting down the Treatment System until such time as Grace has in accordance with the Bylaw on a permanent basis met the Groundwater Cleanup Standards established by the Bylaw throughout the affected Resource Area.

The Town respectfully requests that its Motion be allowed and that a Temporary

Restraining Order and Short Order of Notice be entered in the proposed form attached hereto.

The Plaintiffs

By their Attorneys,

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Dated: September 23, 2013

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.	Superior Court Department Civil Action No.
TOWN OF ACTON, et al., Plaintiffs, v.	
W.R. GRACE & CO. — CONN. Defendant.)))
· · · · · · · · · · · · · · · · · · ·	RESTRAINING ODER AND ORDER OF NOTICE
This matter having come before the	Court on the Plaintiffs' Ex Parte Motion for
Temporary Restraining Order, it is hereby	ORDERED that Defendant W.R. Grace & CoConn.
("Grace") and all persons acting in concert	with it are temporarily restrained and enjoined from
shutting down the Northeast Area Remedia	al Action groundwater pumping and treatment system
until such time as the Court shall hear and o	determine the Plaintiffs' Motion for Preliminary
Injunction pursuant to Verified Complaint	Prayer for Relief No. 5.
It is further ORDERED that Plainti	iffs' Motion for Preliminary Injunction pursuant to
Verified Complaint Prayer for Relief 5 shall	ll be served on the Defendant with this Order and shall
be scheduled for a hearing on, 2	013 at am/pm, in Middlesex Superior Court,
Room, Woburn, MA, at which time	and place Grace shall appear and show cause why the
Court should not issue the requested prelim	inary injunction.
	BY THE COURT:
	, J.
Dated:, 2013	